

STATE BOARD OF EDUCATION  
Also Meeting As  
STATE BOARD FOR VOCATIONAL EDUCATION

State Capitol  
Rooms 402 and 403  
Lansing, Michigan

December 16, 1999  
9:00 a.m.

Present: Mr. Arthur E. Ellis, Chairman  
Mrs. Dorothy Beardmore, President  
Mrs. Kathleen N. Straus, Vice President  
Dr. Herbert S. Moyer, Secretary  
Mrs. Sharon A. Wise, Treasurer  
Mrs. Sharon L. Gire, NASBE Delegate  
Mrs. Marianne Yared McGuire  
Mr. Michael David Warren, Jr.  
Mrs. Eileen L. Weiser  
Mr. Scott Jenkins, Representing Governor John Engler, ex officio

I. CALL TO ORDER

Mr. Ellis called the meeting to order at 9:20 a.m.

II. APPROVAL OF AGENDA AND ORDER OF PRIORITY

- A. Receive the FY 2001 Community College Appropriations Recommendations by the State Board for Public Community Colleges - added to agenda
- B. Discussion Regarding Process for Selection of Superintendent of Public Instruction - added to agenda
- C. Report by Board Subcommittee on School Safety and Prevention - added to agenda
- D. Approval of Changes for the Home Economics Endorsement - removed from agenda
- E. Approval of Standards for Preparation of Mathematics Teachers - removed from agenda
- F. Approval of Standards for Preparation of Journalism Teachers - removed from agenda

- G. Approval of Standards for Preparation of English Teachers - removed from agenda
- H. Approval of Standards for Preparation of Physical Education Teachers - removed from agenda
- I. Approval of the Plans for the State Partnership Agreement with the National Council for the Accreditation of Teacher Education - removed from agenda and placed in Board members' Informational Folders

**Mrs. Beardmore moved, seconded by Mrs. Gire, that the State Board of Education approve the agenda and order of priority, as modified.**

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

### III. AGENDA MATERIALS

- A. Revised Report on Consent Agenda - Memorandum dated December 16, 1999, from Mr. Ellis to the Board
- B. Update on Education Legislation - Memorandum dated December 16, 1999, from Mr. Ellis to the Board
- C. Revised State Board of Education Recommendations for Public School Academy Legislation - Memorandum dated December 16, 1999, from Mrs. Beardmore to the Board

### IV. INFORMATIONAL MATERIALS DISTRIBUTED TO THE BOARD

- A. Information regarding Michigan School for the Blind Activities - Memorandum dated December 8, 1999, from Michael R. Williamson, Assistant Superintendent, to the Board
- B. Information on Reviewing the State Partnership Agreement with the National Council for the Accreditation of Teacher Education - Memorandum dated December 16, 1999, from Mr. Ellis to the Board
- C. Update on Federal Legislation - Memorandum dated December 16, 1999, from Mr. Ellis to the Board

### V. INTRODUCTION OF STATE BOARD OF EDUCATION MEMBERS AND

## GUESTS

Mrs. Eileen Hamilton, Administrative Secretary to the State Board of Education, introduced the State Board of Education and guests attending the meeting.

### VI. PERSONAL PRIVILEGE - MRS. DOROTHY BEARDMORE

On behalf of the State Board of Education, Mrs. Beardmore extended get well wishes to Mr. Michael Blonde, Michigan Government Television, who suffered a heart attack earlier in the week, and underwent surgery on Wednesday, December 17, 1999. She said Michigan Government Television tapes many of the State Board of Education meetings which are then broadcast throughout much of the state through local cable television stations.

### VII. APPROVAL OF RECORD OF THE COMMITTEE OF THE WHOLE AND STATE BOARD OF EDUCATION MINUTES/ACTIONS

- A. Approval of Record of the Committee of the Whole Meeting of November 18, 1999

**Mrs. Gire moved, seconded by Mrs. Wise that the State Board of Education approve the record of the Committee of the Whole meeting of November 18, 1999.**

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

Mr. Warren said he felt the presentation and dialogue with Ms. Brenda Welburn, Executive Director, National Association of State Boards of Education, at the November 18, 1999, Committee of the Whole meeting was very constructive in helping the Board move forward in a more effective and dynamic manner. He said because the Board will be engaged in some policy discussion later in the meeting, he wished to highlight some of the points identified by Ms. Welburn.

Mr. Warren said Ms. Welburn spoke about the role of the Board and its policy making authority, and that many state boards throughout the nation have begun to lose their policy making powers because they had not been engaged in a constructive process. He said Ms. Welburn stated the most effective way to retain that role is to enlist in a dynamic, policy making role.

Mr. Warren said other points brought forth by Ms. Welburn include: (1) effective boardsmanship and the importance of building coalitions with educational organizations, the Governor, the Legislature, and parent groups; (2) develop three or four strategic goals with the over-riding focus on children and improving education; (3) review after each meeting to determine what has been accomplished to improve the education of children; (4) create a customer friendly policy manual; and (5) begin engaging as many facets of the education community as possible. He said Ms. Welburn also emphasized the importance of creating a substantive agenda, becoming pro-active in briefing the Legislature, and presenting a unified front regarding educational issues.

Mrs. Weiser said she intends to keep those points in mind as the meeting progresses, and will evaluate whether her perspective may move the process forward before she speaks. She reminded the Board that it is difficult to implement change, but change must be accomplished to be effective.

Mrs. Weiser encouraged the President and Vice President of the Board to communicate with the Governor, and Legislature as the new legislative session begins, and establish whether there are other educational issues that the Legislature intends to examine which may be important for the Board to address.

- B. Approval of Minutes/Actions of State Board of Education meeting of November 18, 1999

**Mrs. Weiser moved, seconded by Mr. Warren, that the State Board of Education approve the minutes/actions of the meeting of November 18, 1999.**

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

Joint Meeting Between the State Board of Education and  
The State Board For Public Community Colleges

- VIII. RECEIVE THE MICHIGAN STATE BOARD FOR PUBLIC COMMUNITY COLLEGES 2000 GOALS, POLICIES, AND OBJECTIVES; AND RECEIVE THE FISCAL YEAR 2001 COMMUNITY COLLEGE APPROPRIATIONS RECOMMENDATIONS BY THE STATE BOARD FOR PUBLIC COMMUNITY COLLEGES

On behalf of the State Board of Education, Mrs. Beardmore welcomed Mr. Richard Crampton, Chair, and Ms. Patricia Carter, Vice Chair, State Board for Public Community Colleges, and said the State Board of Education attempts to meet annually with the State Board for Public Community Colleges. She also introduced Mr. James Folkening, Director, Office of Postsecondary Education, and Dr. Mary Miller, Supervisor, Community Colleges Service Unit.

Mr. Crampton thanked the State Board of Education for the opportunity to share information regarding the State Board for Public Community Colleges. He said the State Board for Public Community Colleges has established a public policy agenda which focuses on the following six principle goals: (1) Access shall be increased to community college education through comprehensive services for all Michigan citizens; (2) Community colleges shall promote excellence in teaching and learning through quality education and comprehensive services to students and the community; (3) Community colleges will work toward providing a continuum of services and instruction among secondary schools, community colleges, and the universities; (4) Community colleges will work toward an increase in communication between the community college leadership and stakeholders; (5) Community colleges shall promote, utilize, and stay up-to-date with all forms of technology in order to meet the demands and needs of their students as well as members of their community; and (6) Stakeholders will work toward increasing state appropriations for community colleges.

Mr. Crampton said the State Board for Public Community Colleges also wants to ensure that every Michigan citizen lives within a community college district. He said this would not only provide further opportunities for students but would also expand the tax base for community colleges.

Mr. Crampton said the State Board for Public Community Colleges encourages the use of technology in education because it not only benefits students, but teachers as well. He said the State Board for Public Community Colleges proposes that 50% of community college funding come from the state and 50% from the local area. He said a further breakdown of the 50% from the local area would include 2/3 from property tax and 1/3 from tuition.

In response to Mrs. Gire, Mr. Crampton said the millage rate levied by community colleges is generally very low. Mr. Folkening added that the legal cap is five mills, but most community colleges levy approximately two and half mills.

Mr. Crampton said by allowing the expansion of community college districts, money received from millages would increase tremendously while not placing a further burden on taxpayers.

Mrs. Beardmore said there are a number of counties with fairly large populations which do not fall within a community college district. She said the debate always

seems to be whether all of the citizens in a community should levy a tax on themselves, or permit the people who want to access the services pay out of district tuition. She said Executive Order 1999-12 transfers the Office of Postsecondary Services from the Department of Education to the Department of Career Development effective January 3, 2000. She said the State Board of Education will retain authority to appoint members to the State Board for Public Community Colleges. She asked for advice or suggestions on how to maintain the continuity and communication between the two boards in order to function effectively.

Mr. Crampton said the State Board for Public Community Colleges has given this matter some thought, and agrees that the lines of communication must remain open. He said a solution has not been arrived at, but hopes that the State Board of Education will assist in the matter.

Mrs. Beardmore said members of the Board will meet with Dr. Barbara Bolin, Director, Department of Career Development, early next year, and will raise the issue with her as well.

Mr. Crampton said the State Board for Public Community Colleges appreciates any effort that may be put forth to maintain the link. He said he has been pleased with their relationship, and personally did not think the move was necessary.

Ms. Carter said she supports what Mrs. Beardmore and Mr. Crampton have said regarding maintaining the connection between the two boards. She said the relationship between K-12 school systems and community colleges continues to grow throughout the nation as the issue of underprepared students is addressed.

Mrs. Beardmore said much of the financial focus has been on traditional instruction and facilities, but new educational opportunities are being developed and explored each day allowing students access to any subject at their convenience. She said community colleges seem to be developing that technology faster than Baccalaureate degree granting institutions, and she asked what information could be provided regarding this topic.

Mr. Folkening said the Michigan Virtual University has been heavily funded with Renaissance money. He said these funds are received from the casinos and have been earmarked for creative ventures within state government. He said all twenty-eight community colleges have signed an agreement titled the "Michigan Community College Virtual Collaborative," and are now working out the specifics in how to exchange and support students and charge tuition. He said even a virtual college, requires some type of on-campus support. He said colleges are networking so a student can register through one district, but be on line with a different community college. He said staff of the community colleges will provide the instructional support needs of the student.

Mr. Folkening said the Governor has also earmarked special funds for the Michigan

Technical Education Centers (M-TEC) totaling \$60 million in matching funds from community colleges, business, and industry. He said M-TEC is focused on open entry and exit, plus virtual learning types of instruction. He said fifteen community colleges received grant awards through a competitive process, and the first M-TEC will open in February 2000 at Bay de Noc Community College. He said most curriculum is policy based to allow flexibility for the students, and will be a combination of internet, on-site, and virtual exchange of information. He said Dr. Bolin has been very supportive of technical assistance to the colleges as they are making this transformation through the M-TEC centers. He said fiber optics have been installed throughout the state of Michigan with the help of AT&T and GTE, but, not all the internet connections are through community colleges. He said some are actually with local and intermediate school districts. He said with early enrollment and more postsecondary options, instruction may be going on at five different sites at the same time with interaction between the instructors and students.

Mrs. Straus expressed concern with the transfer of the Office of Postsecondary Services to the Department of Career Development. She said part of the purpose of community colleges is to provide the first two years of academic education for students who wish to go on to a four-year degree granting institution, and is not only utilized for career development.

Mr. Warren asked if an analysis has been done regarding the use of technology for instructional purposes and what is going on in community colleges today. In response, Mr. Folkening said a broad analysis has not yet been completed, but it has been found that student/teacher ratios have not changed, there are more opportunities than ever before for students of all ages, and curriculum plays an integral part in all aspects of the program. He said internet courses do not interfere with the student/instructor interaction, and allow for a broader support system to be developed for students.

Ms. Carter said even though there are many innovative programs under development, it is too early for an evaluation. She said community colleges throughout Michigan are beginning to implement coalitions and consortia which are primarily funded through the Perkins Loan Program. She said it is encouraging that students are utilizing both the technology on campus and distance learning programs. She said she shares the concern regarding simply placing a talking head in front of a group of students, but feels that students will demand much more sophistication than that.

Mrs. McGuire expressed concern that there seems to be a trend for colleges and universities to hire part-time teachers who she feels may not be as accessible to students as full-time teachers.

Ms. Carter said the hiring of part-time teachers is an issue across the country. She said she thinks there will be a shift on college campuses to employ fewer full-time faculty members who will be charged with ensuring that part-time teachers remain

available to their students. She said part-time faculty are generally devoted despite the fact that they do not have a full-time title, and students can very seldom differentiate between the full and part-time teachers. She said access does not seem to be that much of an issue because most part-time teachers freely provide access through e-mail.

Mr. Jenkins said one key role of the State Board for Public Community Colleges is communication with school districts in what standards and courses are required to be successful in a postsecondary setting. He said being originally from another state, he feels he has a different perspective on the connection between secondary and postsecondary programs. He said he does not think that communication is strong in Michigan so students are entering college unprepared resulting in the need for developmental courses. He said it is estimated that \$451 million is being spent on developmental education at community colleges, and while Michigan is probably one third of that, those dollars could be utilized to bolster other programs such as liberal arts curriculum.

Mr. Crampton said a large percentage of students at community colleges are adults who choose to improve their skills and further their careers, not people coming directly out of high school. He said as dual enrollment becomes more prevalent, funds will be diverted away from the K-12 student foundation allowance. He said it is still a good opportunity for students to progress further into postsecondary education. He said developmental education is expensive but necessary to encourage adults to return to college, and will, in the long-run benefit and create a more educated community.

Mr. Folkening said language in the Community College Appropriations Bill encourages school districts to ask community colleges for the results of their students who matriculate to the community college. This language was included in the bill to promote interest on the part of the K-12 school districts to request the data on how well their students perform after they leave high school. He said, in addition, the Department is developing an electronic Education Development Plan (EDP) which provides students an opportunity link to a particular career path, determine which community college(s) offer the program, and lists the courses and competencies required to enter that career path. The EDP allows students to begin preparing for a career path while still in high school. He said some students take advantage of developmental education as a means of a refresher course, while some simply do not prepare for college in high school and later discover that is the path they which to take.

Mrs. Gire said it is imperative to develop a solid database study of what is available in community colleges and universities to determine if students are coming directly out of high schools unprepared for college. She said it is also necessary to establish if the Standards and Benchmarks address this issue, if schools are not teaching to the standards, or if they may need to be adjusted to accommodate college standards. She



said the State Board of Education is proud of the Standards, but certainly nothing is perfect and they may need to be improved. She suggested that there could be a collaboration between the State Board of Education and colleges and universities to conduct this study.

Mr. Ellis said it is important for the Board to receive information, and raise questions, but staff is still in the data collecting stage. He said there is a significant amount of information available which is not scientifically based.

**Mr. Warren moved, seconded by Mrs. Straus, that the State Board of Education receive the Michigan State Board for Public Community Colleges 2000 Goals, Policies, and Objectives dated October 21, 1999, as discussed in the Superintendent's memorandum dated December 7, 1999.**

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

**Mrs. Wise moved, seconded by Mrs. Gire, that the State Board of Education receive the FY 2001 Community College Appropriations Recommendations by the State Board for Public Community Colleges, as contained in the Superintendent's memorandum dated December 7, 1999.**

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

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IX. RECESS

The Board recessed at 10:25 a.m. and reconvened at 10:40 a.m.

X. APPROVAL OF POLICY FRAMEWORK FOR THE IMPLEMENTATION OF GOALS FOR SPECIAL EDUCATION

Mr. Ellis said the State Board of Education has had many discussions regarding special education over the last few years which have resulted in the Policy Framework for the Implementation of Goals for Special Education. He said it may seem like the process has moved very quickly, when in fact, the Frameworks are the culmination of those discussions.

Mrs. Beardmore said staff has worked very hard to coordinate these policies, and the Board has made many decisions to bring them all together.

Dr. Jacquelyn Thompson, Director, Office of Special Education and Early Intervention Services, thanked the Board for the opportunity to provide information regarding the Policy Framework for the Implementation of Goals for Special Education. She said staff welcomes the opportunity to present this document so they may proceed with the overarching policy parameters for the continuous improvement and reform in special education. She said research indicates that the best chances for optimal teaching and learning comes from early intervention, and she feels the concept of start early and finish strong has a direct link to the developmental and remedial courses at the secondary level as discussed earlier in the meeting.

Dr. Thompson said imbedded in the Individuals with Disabilities Education Act (IDEA 97) and the new federal regulations are the very same themes that the State Board of Education has discussed for the past several years regarding the focus on high expectations, improving student performance, and good teaching/learning processes. She said significant aspects of the policy frameworks include the State Board of Education Action Plan, and more recently the four priorities established at the April 15, 1999, meeting. She said the special education delivery system in Michigan included data on student performance which is representative of the state improvement plan. She said this plan was used to build the proposal for a State Improvement grant application and resulted in Michigan being one of 18 states to be awarded the grant. She said those funds are tied to improving what teachers know and are able to do which will ultimately produce better student outcomes.

Dr. Thompson said Michigan is consistent with the rest of the nation in terms of the number of students being identified for special education services. She said there are a few areas of growth that cause concern, which she will address later in the presentation. She said it is necessary to identify the conditions deemed as essential to improvement and reform. She said teacher and practitioner quality, adequate supply of teachers and related services personnel, and a balanced system of accountability with particular focus on student outcomes are areas of importance in special education.

Dr. Thompson said an historical view of special education would reveal that as recent as the 1950's, students with disabilities were often institutionalized. She said the movement to de-institutionalize children was based on federal and state mandates which began with a civil rights platform and led to a focus on procedural safeguards and the rights of schools and families. She said this generated a system of intensive inputs and processes. She said the difference now is the attention paid to results, and that the system must be held accountable for student performance.

Dr. Thompson said the current model in Michigan requires that a student must fail before special education can intervene, and that is very costly to not only the school district in dollars, but also to the student. She said many discussions have been held regarding the importance of family involvement, and the need for interagency collaboration and community elements to be part of the plans for many of the students who have more severe disabilities. She said schools, in and of themselves cannot provide everything that some students need. She said the transition policies adopted

by the Board on April 15, 1999, reflect that realization, and the need for involvement with the Department of Community Health, Rehabilitation Services, and other partners in order to achieve positive results.

Dr. Thompson said accountability must entail not only balances and inputs into the process, but also focus on professional development to ensure that teacher knowledge matches expectations placed on students, complies with state and federal rules and regulations, and the four priorities of the Board. She said the State Improvement Plan has been successful in pulling together data on performance indicators, creates a baseline as staff focus on continuous improvement and reform in special education, and incorporates the standards-based accountability structure. She said the twelve policy statements for Board consideration are as follows:

1. Administrative rules for special education must align with federal regulations for the Individuals with Disabilities Education Act as published in the Federal Register on March 12, 1999.

Dr. Thompson said in some instances, the new federal regulations make language in the Michigan Rules and Regulations on Special Education redundant or even outdated. She said it is imperative to support the requirements of the law and operationalize some of the concepts in the new IDEA regarding student performance, achieving curricular benchmarks, and participating in statewide assessments.

2. Administrative rules for special education must align with Part C of the Individuals with Disabilities Education Act (IDEA) for early intervention services to eligible infants and toddlers with disabilities and their families.

Dr. Thompson said Michigan was one of ten states which initially began intervention services at birth. She said the pre-school delivery system was based on the K-12 delivery model, and focused on infant and toddler intervention which needs to be family centered and focused because that is where the context for development is provided. She said one of the changes requested to align with Part C of IDEA 97 for all infants and toddlers with disabilities would be the Individualized Family Service Plan (IFSP). She said many school districts write both an Individualized Education Plan (IEP) and an IFSP. She said the proposed policy would stipulate that the IFSP alone would be necessary to comply with the federal law and would be considered the appropriate document for infants and toddlers and their families.

Dr. Thompson said studies show that birth through two are crucial to a child's brain development, and the current dual system of procedural safeguards has been known to take as long as a year before being finalized. She said a single tier model of due process hearings is proposed to allow things to happen more quickly for young children and families.

3. Administrative rules for special education must align with Part B of the

Individuals with Disabilities Education Act (IDEA), for preschool services to children ages 3-5 with disabilities.

Dr. Thompson said early childhood programs in Michigan are currently an area of great fragmentation in policy. She said each new early childhood program that comes into place, whether it is federally or state legislated, has its own set of policies. She said different funding mechanisms, provider credentialing, and models of delivery result in tremendous fragmentation across the state which makes it very difficult for staff to present options to children and their families because funding policies and credentialing policies drive placement. She said the Department is expected to assure the federal government that funding does not drive placement. She said an overview of the fragmentation of early childhood education policies will be presented to the Board at a future meeting.

Dr. Thompson said federal law permits the option of allowing an IFSP to be considered in the pre-school area. She said the scenario for identification of disability is that of approximately 10 months of age, which is a big improvement from the early part of this decade when it was over a year. She said much of that has to do with interagency collaboration. She said ten month old children tend to be identified that young because their disability is quite significant. She said milder disabilities are more easily distinguished by age three to five because their development may not be on target by three or four. She said it is not always possible to determine if intervention is needed if there is not a significant lag in development. She said the IFSP is instrumental in helping those families coming into the system and with an array of services and programs. She said it is the intent of the federal law that the IFSP could be used on an as needed basis. She said research indicates that a family's greatest need is access to information, a variety of resources, and support.

4. The Administrative rules for special education and pupil accounting shall support the provision of preschool services to children with disabilities in locations or settings where young children without disabilities access early childhood education programs and services.

Dr. Thompson said it makes sense from a social development perspective for a child with disabilities to be in an environment with other children who are running, playing, and talking. She said access to those settings should not be restricted based on funding parameters.

5. Integration of planning and service delivery shall be supported, within the parameters of federal statutes and regulations, for schoolwide models of early identification and intervention for students demonstrating low achievement and potential for referral to special education services.

Dr. Thompson said national research indicates that 80% of the students referred to special education in the 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> grades is due to reading

failure. She said it is necessary to rethink how students are identified as at risk. She said research supports positive outcomes when the students are identified to the right instructional strategy.

Dr. Thompson said phonetic awareness skills are assessed in kindergarten and first grade with 92% accuracy in predicting which students will have difficulty learning to read. She said the challenge is how do special education children fit into the early identification strategies. She said current learning disability guidelines require a child to fail before intervention takes place. She said federal regulations allow states the option of rethinking how to engage children with language disabilities. She said one possibility is utilizing assessments in kindergarten and first grade to determine if intensive early intervention is necessary so they may not need special education at nine, ten, or eleven years of age and stand a better chance of actually finishing school.

Dr. Thompson said IDEA 97 permits schools to use federal funds in collaboration with Title I to develop schoolwide programming. She said this allows districts to not only target interventions and instructional strategies to children meeting the criteria, but implement a schoolwide comprehensive approach to enhancing the opportunity for successful learners. She said in Michigan all federal funds flow through the State Aid Act which makes them restricted funds. She said that is a significant policy issue. She said there are some federal discretionary funds that do not flow through the State Aid Act which are available to districts on a small scale for innovative programming. She said schoolwide programming and collaboration would permit school districts to move quickly to the model of early identification, and appropriate remediation where special and general education professionals are partnering to make a difference.

In response to Mrs. Beardmore, Dr. Thompson said special education law has not been part of Ed Flex because of the civil rights and procedural safeguard elements, but built into the new law is an opportunity to use a percentage of the funds for schoolwide programs.

6. Individual student characteristics guide the individual education program planning process.

Dr. Thompson said using individual student characteristics to guide the IEP planning process is an issue in reform and improvement in special education. She said historically the focus has been on what the child could not do, but that deficit model in IDEA 97 has been eliminated. She said IDEA 97 now requires a functional assessment of the child's strengths and needs based on state standards and benchmarks, and what is needed to achieve those goals. She said special education professionals are moving from the old test and label model to a continuous cycle of assessment, planning, and appropriate instruction programming. She said IDEA 97 encourages frequent progress

reports on special education students as opposed to the previous yearly assessment.

Dr. Thompson said part of the proposed reform will require that special education teachers begin considering the standards and benchmarks, how to begin achieving some of those, and what modified achievements are reasonable to expect. She said in the same frame would be performance expectations for functional independence and alternative assessment strategies. She said not all special education students would be appropriately assessed by the Michigan Educational Assessment Program.

7. Teachers and practitioners are supported with access to continuous learning, appropriate technology, aids, and supports to effectively engage in the teaching-learning process for students with disabilities.

Dr. Thompson said a large number of special education students spend most of their day in a general education setting, and therefore, teacher training is essential to student success. She said her first concern is how to provide teachers who are already working with Autistic Impaired children the competencies necessary, and secondarily how to speed up the credentialing process. She said Oakland University is currently the only higher education institution in Michigan which offers the Autistic Impaired endorsement. She said many innovative ideas have been presented including distance learning. She said it is hoped that the State Improvement Grant will provide significant opportunity for teachers and practitioners to achieve to the best of their ability to engage in teaching/learning process for students with disabilities. She said it is necessary to ensure that professional development and training opportunities provided are related to what teachers need to know to improve student performance. She said resources must be identified to support achievement and instructional materials aligned to teaching and learning standards.

8. Current research and proven practices guide the support and delivery of pre-service and continuing personnel development as related to students with disabilities.

Dr. Thompson said staff also want to focus on how to move current research on improvement practices into the training institutions. She said one way to start would be to continue and perhaps increase the collaboration with the Office of Professional Preparation. She said staff have a good relationship with higher education institutions which offer special education teacher training, and in fact, meet monthly so they are beginning to become aware of the curriculum framework and how it should impact their approaches to preparing teachers.

9. Parent involvement is supported in each student's educational program.

Dr. Thompson said it is necessary to ensure that a policy framework includes support for connecting schools and families, and that parental involvement is sustained in each student's educational program. She said while it is stated in the law, in practice, it gets translated very differently. She said that means in some cases, families need reassurance in their role as a partner in the education of their child with a disability. She said practitioners may also need training in negotiation skills and conflict resolution because too often there is a stalemate and schools do not always spend enough time building that relationship.

10. Administrative flexibility is supported, in accordance with current research and best practice.

Dr. Thompson said administrator support is also an important component because as staff look at emerging models in best practices for management, administrators have been asking for more flexibility. She said some of the administrative waivers have been about more leniency, but at the same time, there must be accountability for student results. She said parameters, assurance, and limits must be determined if administrative flexibility is allowed.

11. Standards of quality for the delivery of early intervention services for infants and toddlers, and preschool special education services, are used for quality assurance and accountability processes.

Dr. Thompson said the Board needs to adopt a policy statement regarding standards of quality, the delivery of early intervention services for infants and toddlers, and pre-school special education services that use a quality assurance and sound accountability processes.

Dr. Lindy Buch, Supervisor, School Development and Early Childhood Programs, said in the areas of early childhood education and early intervention services there are three different types of documents that guide how services are implemented in schools and agencies. She said the documents include two different standards of quality documents that address outcomes and inputs, and a special education implementation guide that only addresses process. She said that particular document does not address curriculum, and teaching and learning. She said having three different documents impedes the ability to enroll children in a program that would best serve their needs. She said the Department is seeking Board support to review and update the documents with the assistance of local school district staff.

Dr. Buch said once the document is developed, it can be referred to as an interagency agreement. She said hopefully it will also provide a more comprehensive and streamlined system for all children in this state. She said this document will allow the Department to hold programs accountable for those standards and ensure that children are eligible for and receiving the service best suited for them.

12. Schools are held accountable for effective service delivery, compliance with state and federal regulations, and for student performance.

Dr. Thompson said the last statement dealing with accountability gets back to that sense of balanced accountability. She said staff have identified quality indicators that determine both an effective system design and begin to measure student results. She said the Department will always maintain its compliance oversight to assure procedural safeguards that students and families have access to their rights accorded by the law, but staff will also pay increasing attention to the results of the system design and student achievement. She said some of the impact would be the development of student performance measures within the framework of a quality assurance review. She said she would like to hold schools accountable and allow staff to provide varying levels of assistance to school districts based on the results of a quality assurance review. She said it is proposed to implement a number of compliance elements that would help schools understand their own performance, facilitate self assessment, and strategic planning so that, for example, personnel development and training funds are targeted in areas where districts can identify what they need to improve.

In response to Mrs. Gire, Dr. Thompson said learning disabled eligibility in Michigan requires a discrepancy between a child's ability and academic performance, and requires a certain level of failure. She said some professionals are reluctant to label a child, but one of the initiatives under development with the State Improvement Grant is an initiative titled Positive Behavior Supports which entails the latest research in behavior intervention strategies. She said the goal is to implement this as an education initiative to work with districts and buildings in bringing knowledge, skills, and competencies to the entire building staff about appropriate intervention strategies for behavior issues.

Mrs. Straus said she is pleased with the idea of utilizing Title I and cross funding strategies.

**Mrs. Straus moved, seconded by Mr. Warren, that the State Board of Education approve the policy framework for the implementation of goals for special education as described in the Superintendent's memorandum dated December 10, 1999.**



Mrs. Beardmore said several references have been made regarding contradictory policies or standards. She invited staff to present specific recommendations to the Board.

Mr. Warren said adopting the policy framework is an important step, but suggested that the Board now set a direction for staff. He further suggested that the Board engage the Governor, Legislature, and the federal government so they are aware of what the Board believes is necessary to move special education forward.

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

XI. RECESS

The Board recessed for lunch at 12:15 p.m. and reconvened at 1:20 p.m.

XII. PUBLIC PARTICIPATION

- A. Mr. Richard Zerod, 9829 Arden, Livonia, Michigan 48150. Mr. Zerod offered comments regarding Administrative Rule Waiver #0706 and special education. Mr. Zerod distributed a copy of his comments, and information pertaining to his concerns to the Board.
- B. Ms. Sharon Francis, Occupational Therapist Registered, 140 Robindale, Dearborn, Michigan 48128. Ms. Francis offered comments regarding Administrative Rule Waiver Request #0706 and special education.

XIII. UPDATE ON EDUCATION LEGISLATION

Ms. Kate McAuliffe, Director, Office of Government Services and Customer Satisfaction, provided a written report on the legislative activities of the 90<sup>th</sup> Legislature. She said members took on an aggressive education reform agenda which began with the Detroit reform package, which suspended the role of the first class school district's elected board, and substituted it with a Chief Executive Officer of the Board under the direction of an appointed reform board.

Ms. McAuliffe said because of the incident at Columbine High School in Colorado, the Legislature examined the school safety and violence package which resulted in the Statewide School Safety Information Policy developed by the Superintendent of Public Instruction, Commander of the State Police, and the Attorney General. She said this policy is now being implemented by school districts throughout the state, and it is her understanding that most of the school districts are on target and will have met their obligations under the law. She said the Department of Education also received funding to establish the Office of Safe Schools.

Ms. McAuliffe said in the spring, 1999 legislation was enacted which utilized funds received from the tobacco settlement and established the Michigan Merit Scholarship Program. She said this program is housed in the Department of Treasury and consists of a seven-member board.

Ms. McAuliffe said the fall session has started slowly to allow discussions regarding brain development and research. She said Department staff have been asked to provide testimony as committees began formulating opinions regarding this important issue. She said discussions have also taken place regarding infrastructure in both the appropriations and the standing committees.

Ms. McAuliffe said by Thanksgiving, the Legislature had reduced their education agenda to three bills: (1) cap on public school academies, House Bill 4959, (2) collective bargaining rights of administrators, Senate Bill 663, and (3) residency of public school employees, Senate Bill 198. She said Senate Bill 663 and Senate Bill 198 have been enacted, while House Bill 4959 has stalled in the House of Representatives. She said the 90<sup>th</sup> Legislature introduced 300 bills affecting education, which is about average as compared to the 89<sup>th</sup> Legislature.

Ms. McAuliffe said in addition to taking positions on proposed bills, the State Board of Education adopted four major priorities at the April 15, 1999, Board meeting: (1) to foster investment in early childhood education, (2) to foster investment in connecting schools and families, (3) to foster investment in providing teachers with effective instructional materials and resources, and (4) to foster investment in improving teacher quality.

Ms. McAuliffe said in addition to the priorities, the Board discussed other issues which would require legislative action. They include: (1) services provided to “at-risk” students should include pre-kindergarten students if a student is determined eligible for the service, and collaboration with other private/public agencies is required; (2) urging the Department of Management and Budget to recommend to the Legislature, and appropriate additional funding for Full Day/Full Service School Activities in order to improve community/school relationships and improve student achievement; and (3) encouraging the Legislature to modify the School Bond Loan fund and/or other mechanisms or means to assist the districts with the greatest need and the fewest local resources to provide all Michigan children high quality education in adequate facilities.

Ms. McAuliffe said she has spoken with the chairs of both the House and Senate Education Committees, and they are anxiously awaiting communication from the Board regarding the cap on public school academies.

Mrs. Beardmore said a portion of the Policy Framework for the Implementation of Goals for Special Education contains specific recommendations for legislation and rules governing special education. She said she thinks it is important that the State Aid Act be modified to be in line with the Individuals with Disabilities Education Act

(IDEA 97) which is focused on more flexibility than Michigan law currently allows. She said it is also important to provide staff with the ability to arrange for services in the local school districts which is in line with current brain research. She said there will be other legislative changes needed to move from the deficit model approach to one that builds on a student's strengths, and supports early intervention.

Ms. McAuliffe agreed that changes are needed in both the State Aid Act, and the rules and regulations governing special education.

**Mrs. Straus moved, seconded by Mr. Warren, that the State Board of Education recommend to the State Legislature that current more restrictive language in the state aid act be replaced with language which aligns with federal language for flexible use of federal funds for schoolwide programs.**

Mrs. Gire said it is evident that change is needed, but she feels it may be prudent to discuss this issue with the Attorney General in order to avoid future litigation.

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

**Mr. Warren moved, seconded by Mrs. Wise, that the State Board of Education receive the Report on Education Legislation as described in the Superintendent's memorandum dated December 16, 1999.**

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

Mrs. Beardmore said because the Legislature did not agree on legislation to increase the number of public school academies able to be chartered by universities, the State Board of Education has a unique opportunity to inform legislators on issues the Board believes should be considered in addition to their deliberations on the number of charters to be granted by universities. She said she has identified four areas which include the State Board of Education's responsibility for oversight of public school academies and the chartering institutions. She said she believes the most effective way to provide that oversight is by the elected Board which does not issue charters, and to appoint any other body to this responsibility would reduce public accountability. She said the State Board of Education should receive adequate resources to provide proper oversight and to assure that public schools, traditional or charter, are appropriately served by the program offices of the Department of

Education.

Mr. Warren said it is important to consider the guidelines set forth by Ms. Brenda Welburn, Executive Director, National Association of State Boards of Education, at the November 18, 1999, meeting before discussion ensues, to ensure that the document is proactive toward education and fits within the Board's strategic goals. He said on a personal level, he only received the draft letter 36 hours ago, and would not have been pleased if it had come from a staff member. He said a document of this importance demands serious consideration and he would have liked to have more time for review.

Mrs. Beardmore said she is aware of some concerns regarding the wording of the introduction of the document. She said she also knows there was very short notice regarding this issue, but the Legislature did not recess for the their winter break until December 9, 1999.

Mrs. Gire said conversations with many legislators indicate a belief that oversight of charter schools is necessary. She said she thinks there was a reason that the Board was written in as the oversight body and not permitted to grant charters when the law was written five years ago. She said she is comfortable with this concept and supports it.

Mrs. McGuire said she supports the oversight aspect of the document, but would prefer that all references to Board support for the expansion of the cap be deleted. She said Board oversight of public school academies is over due, but she cannot support raising the cap when no oversight measures are currently in place.

Mrs. Beardmore said the issues presented in the draft document are very important, and she feels the Board has a window of opportunity to comment to the Legislature.

Mrs. Weiser said she is comfortable with the language of issue number one.

Mrs. Straus said she is supportive of the idea of making a strong statement regarding the Board's responsibility, obligation, authority, and desire for oversight of public school academies. She said she feels a key issue is receiving adequate resources to provide oversight, because it has not been available.

Mr. Jenkins said he would be remiss if he did not point out that Michigan has had a charter school law for approximately four years. He asked if by making a statement like this is the Board articulating that it has done an ineffective job at oversight of public and charter schools. He said he does not know the extent to which the Board has expressed its support of the current oversight process.

Mrs. Straus said the Board has certainly been working toward that goal.

Mrs. Beardmore said the Board has not had an opportunity to review the boards of the chartering agencies and how effective they have been.

Mrs. Wise said they may have been very effective.

Mrs. Gire said there are some specifics in the law in terms of State Board of Education oversight of charter schools which have not been implemented.

Mr. Warren said the Board is responsible for issuing certain reports regarding charter schools. He said in January 1999, reports by Western Michigan University and Public Sector Consultants, Inc. were released which were made possible by a grant approved by the State Board of Education. He said these reports are used as a base line for people interested in public school academies, and therefore, the Board is not totally remiss in its duties. He said previously, the Department had an Office of Charter Schools headed by Mr. Gary Cass who was actively engaged with the authorizers, and reviewed all of the contracts. He said the Board has historically had a strong past regarding the oversight of charter schools, and should be able to use that practice in connection with public school academies. He said many offices within the Department of Education, such as the Office of Special Education and Early Intervention Services, deal with public school academies on a regular basis, and so it is incorrect to think that they are not thought of.

Mrs. Beardmore said the point is that public school academies are part of public education, and the Board does not want to create a parallel system. She said traditional and charter schools are entitled to the same resources and services.

Mr. Warren said that when Dr. Robert Schiller was Superintendent of Public Instruction, discussion was held regarding the possibility of setting up a special office to assist new charter schools with specific problems like chartering, new buildings, etc. He said it was finally decided that public school academies should be treated like any other school district and the office was never established. He said Mr. Jenkins is correct in saying that there may be a perception that the Board has not provided oversight of charter schools, but he does not believe that to be true. He said it is important to make it clear to the public that public school academies are not autonomous.

Mr. Ellis said the Legislature has chosen to line item fund special reports such as that completed by Western Michigan University and Public Sector Consultants, Inc. He said a follow up report is currently underway, but could not say where it was in the process. He said the Department has upheld its responsibilities regarding charter schools.

Mrs. Weiser said public school academies have a special relationship with their

chartering agencies in that those colleges and universities or school districts lay their reputation on the line each time they grant a charter. She said she thinks the charter school experiment has been very successful, but there will always be concerns expressed by the public.

Mrs. Beardmore said private, for profit, management companies now operate 70% of the public school academies according to the Western Michigan University and Public Sector Consultants, Inc. "Evaluation of PSA Initiative," January 1999. She said there is no mention of private, for profit, management companies in the current law. She said the advice to the Legislature would be that legislative action should clearly define the role and limitation of private, for profit management companies and assure public oversight of public funds.

Mrs. Straus asked if that statement could be expanded to state that their operation should be open to public scrutiny because the law does not mention management companies, and as such, they are citing that they are not public entities and do not have to reveal financial information to the public.

Mr. Warren said all aspects regarding public school academies are open to public scrutiny, and the documentation required by the authorizing agencies and the Department is quite extensive and must be completed prior to a charter school opening. He said there is a lot of disclosure about the charter school itself which includes contracts with management companies. He said the management contracts cannot delegate the responsibilities of the public school academy to the management company. He said their budget outlines the amount received from the foundation grant, and how much the chartering agency receives as well. He said it is possible to track the funds at the actual site. He said the academy gives some of those funds to the management company, so all information is subject to disclosure through the Freedom of Information Act (FOIA), and the Open Meetings Act.

Mr. Warren said he would be surprised to learn that any management company did not comply with the law, and thinks the facts should be considered before any allegations are made at the Board table.

Mrs. Straus said she has been told by a number of people that their requests for information have been directed to the management company by charter school board members. She said the management company then in turn states that they do not have to divulge the information because they are not a public entity.

Mr. Warren said it depends on what is being requested.

Dr. Moyer said that is why this language must clearly define the role and limitations of private, for profit, management companies. He said the discussion itself highlights issues the Board is concerned about, and is recommending that the Legislature pursue them in that respect.

Mr. Jenkins said the proposed legislation addresses management companies in that: (1) they must comply with all school laws, and school district accounting manuals, (2) provide a staffing schedule, (3) prove that they have education services capacity and managerial experience, (4) the public school academy will maintain independent legal counsel on all negotiations, and (5) student records pertaining to the public school academy pupil accounting are property of the public school academy, and are subject to FOIA. He said these concerns were raised by many members of the House and Senate.

Mr. Wise said she would support legislative action to clearly define the role of private, for profit management companies and to assure public oversight over public funds, but would like the words “and limitations” removed from the document because she feels it is not needed.

Mrs. Weiser said she would support that deletion.

Dr. Moyer said it would help the charter board to know what they could expect from the management company. He said it would clarify the limitations that a management group might have because he thinks that at times the mechanics of running a school are not understood by chartering agencies.

Mrs. Gire said she thinks much of the concern comes from the perception that management companies are encouraging the creation of charter schools, and that decision should be made by the community.

Mrs. Beardmore said that is why she thinks “and limitations” should remain in the document. She said if someone is determined, they will find a way around any law. She said she feels that it is important for the Legislature to think about the role and limitations of private, for profit, management companies to ensure public oversight of public funds.

Mr. Warren said the Legislature should consider the role of education management companies, and limitations will be part of that. He said it appears that the proposed legislation addresses the issue, but the Board has not had a briefing on it.

Mrs. Beardmore said she would accept eliminating the statement “with limitations.”

There was consensus to accept the statement as “Inasmuch as under current legislation private, for profit, management company operations are not open to the public, legislative action should clearly define the role ~~and limitations~~ of private, for profit, management companies and assure public oversight of public funds.”

Mrs. Beardmore said it has been suggested that the next statement of the draft letter should be modified to state, “Granting a full foundation grant to public school academies operating less than a K-12 program should be reviewed.” She said the advice would be to consider proration of the foundation grant.

In response to Mrs. Wise, Mrs. Beardmore said the statement would not currently apply to traditional public schools.

Mr. Warren said this is a K-12 public education issue, and his understanding is that it is less expensive to educate elementary students than it is middle and high school children because of science programs, etc. He said granting a prorated foundation grant should be considered for all public schools based on the age of the child.

Mrs. Gire said the Board has obviously revealed a problem which the Legislature has not addressed. She said she would support a general statement. She said this is not an issue that will be easily resolved, and thinks that for the Board to make a recommendation is probably going further than it really wants.

Mrs. Straus said many years ago when she worked for the Legislature, a weighted per pupil formula was proposed which would give more money to K-3 grades allowing for smaller class sizes. She said it was a good idea then, and still believes it to be true. She said she feels that this is a very complex issue and does not know if the Board should make this particular recommendation to the Legislature at this time.

Mr. Jenkins said this is a state aid issue and a quick analysis of per pupil expenditures across school districts would reveal the middle school is the most expensive.

Mrs. Beardmore said that as a result of this discussion, this is a larger issue than she originally thought, and probably does not belong in this document.

There was consensus to remove statement number three from the document.

Mrs. Beardmore said although the law states that all aspects of the contract must be in line before a public school academy is to be granted a charter, the initial discussion when the law was first passed was based on how simple it was to start a school if the person knew what they wanted to teach. She said this idea overlooked the fact that operating a school is also like running a business. She said Oakland University was the first university to require a business plan in addition to the other materials. She said it is not enough to know what you want to teach, and you must also have an idea of how to operate it. She said this is not mandated by law, but perhaps it should be. Mrs. Wise said the Board should recommend to the Legislature that a business plan become an integral part of the charter school law.

Mrs. Beardmore said a business plan could be added as a requirement for a charter, but she thinks many colleges and universities have already taken that step. She said a business plan could serve as a sample for people who are considering opening a charter school and what it actually entails.

Mr. Warren said every requirement that is added increases the chance that a public school academy will be operated by a management company. He said the process and paper work for applying for a charter is very complex and beyond the capability of



most parents, and therefore, he believes that is why many public school academies are run by management companies.

There was consensus to accept Paragraph Two of the memorandum dated December 16, 1999, from Mrs. Beardmore to the Board, as follows: “The State Board of Education supports parental choice and options in public education. In fact, in December 1990, it unanimously approved a plan for statewide public school parental choice, which was Goal V of “Education: Where the Next Century Begins.”

Dr. Moyer said he would like the following sentences added to the third paragraph of the introduction: The State Board of Education understands and supports options for public education and choices. We commend our legislature for its efforts in promoting this goal, however, concurrent with legislative expansion of public school academies, we encourage the judiciously determined limits and provisions for their rational growth and constructive oversight.

Mrs. Wise said she would be more willing to support that statement if “the judiciously determined limits” were removed.

Mrs. Straus said she would only support removing the judiciously determined limits provided that the oversight is in place.

Mrs. Wise said she could not support “within judiciously determined limits to promote rational growth.”

Mrs. Weiser said the Board has not had an extensive discussion regarding the limits of charter schools. She suggested the following statement: “The State Board of Education understands and supports the desire to expand the number of charters granted by universities within judiciously determined limits that permit rational growth in the number of public school academies, provided effective oversight is in place. The Board believes current public school academy legislation should be reviewed and amended.”

Mrs. Eileen Hamilton, Administrative Secretary to the State Board of Education, suggested the following wording: “The Board understands and supports the desire to expand the number of charter schools granted by universities - provided effective oversight is in place.”

Mrs. Wise said she was more comfortable with that wording and would support it.

Mrs. Beardmore said she thinks that Mrs. Hamilton’s suggestion states what the Board wants to convey. She said it is evident that many people, including legislators, support an increase in charter schools, but not a wholesale opening of the floodgates. She said the Board understands and supports that desire to expand the number of

charters granted by universities provided effective oversight is in place. She said the paragraph could continue with, “The Board also notes that there is unlimited opportunity for public school academies by other authorizing institutions, and believes current public school academy legislation should be reviewed and amended to address concerns revealed by experience.”

Mrs. Gire said she thinks the problem may be adding the word “support.”

Mrs. McGuire suggested that since there seemed to be an impasse, perhaps the two issues of support for raising the cap and the aspect of oversight could be separated. She said she feels that combining the two issues will only result in people considering the Board in support of raising the cap, and will not include the views on oversight.

Mrs. Weiser said another possibility would be to simply take Paragraph Two as amended and skip to the next part of Paragraph Three which states, “The Board believes current public school academy legislation should be reviewed and amended to address concerns revealed by experience.”

Mrs. McGuire said she would support that suggestion.

Mrs. Weiser said when Mr. James Folkening, Director, Office of Postsecondary Services, presented information to the Board earlier in the meeting, he mentioned that public school academies are a part of the fabric of the community in which they reside. She said currently, only 4% of Michigan’s children are in charter schools which is not an overwhelming number. She said many citizens believe that number to be at least 30% because of the press they read. She said she believes it is the Board’s responsibility to set the tone for the way the public views public school academies, and that they are a desirable complement to traditional public schools and communities.

Mrs. Beardmore said part of the reason for making a change to this wording was to accurately reflect the action that was taken in 1990 which was long before charter schools were ever discussed. She said the Board’s experience was based on the fact that some parents wished to drop their child off at school on their way to work. She said there were no options for them unless they lived on the very edge of a district, and could ask for a property transfer. She said the Board realized that society was changing and working families required greater flexibility. She said it was simply to respond to the needs of families.

Mr. Warren said the statement indicates that the Board supports charter schools as part of parental choice, and he is not sure it needs to be bolstered by referring to past actions of the Board. He said the Board should have an affirmative statement that one of the parental choices that it supports is charter schools.

Mrs. Weiser said she has drafted some proposed wording that may receive approval

from a majority of the Board. “The State Board of Education supports parental choice and options in public education. In fact, in December 1990, it unanimously approved a plan for statewide public school parental choice (Goal V. “Education: Where the Next Century Begins”)” She said the next paragraph would state: “The State Board of Education understands the legislative desire to expand the number of charters granted by universities. We believe proposed public school academy legislation should be reviewed and amended by experience.”

Mrs. McGuire said that language suggests that the legislative desire has not been fulfilled, but the Board does not know that because the Legislature did not pass the bill.

Mrs. Gire said she thinks Mrs. Weiser’s suggestion is a good solution.

Mrs. Beardmore said the Board could simply state that it believes the current public school academy legislation should be reviewed and amended to address concerns revealed by experience.

Mrs. Weiser said Paragraph Three could read as follows, “The State Board of Education understands the interest in the number of charters granted by universities. We believe proposed public school academy legislation should be reviewed and amended to address concerns revealed by experience.”

Mrs. Straus said she would like to make it known that the Board is aware of an opportunity for public school academies by other authorizing institutions.

Mrs. Hamilton said Paragraph Three could read as follows, “The State Board of Education understands the interest in expanding the number of charters granted by universities. We believe current Public School Academy legislation should be reviewed and amended to address concerns revealed by experience.”

Mrs. Straus said she would like to leave in the sentence: “The Board notes that there is unlimited opportunity for public school academies by other authorizing institutions.

Mrs. Gire said she does not believe that statement added any value to the letter.

There was consensus to accept Paragraph Three as suggested by Mrs. Hamilton.

**Mr. Warren moved, seconded by Mrs. Gire, that the State Board of Education approve the statement regarding amendments to the public school academy legislation as discussed by the State Board of Education, and that the statement be forwarded to the Governor, the Legislature, and other interested parties.**

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

XIV. DISCUSSION REGARDING PROCESS FOR SELECTION OF  
SUPERINTENDENT OF PUBLIC INSTRUCTION

Mrs. Beardmore said Mr. Ellis has announced his intention to leave the superintendency by the end of October 2000, and the law prohibits the Board from selecting or appointing a superintendent within six months before an election at which State Board of Education candidates are elected or two months thereafter. She said May 7, 2000, is the last date in which the Board can legally take that action before waiting until January 2001. She said making a decision before May 7, 2000, will enable valuable input from long time Board members who may or may not be on the Board after January 2000. She said on the other hand possible new Board members would have input in the selection if the decision was held until after January 2001.

In response to Mr. Warren, Mrs. Beardmore said selecting a superintendent by May would entail a very rapid process, but she does not feel that it is impossible to do. She said the point would be made that the selected person would not likely be able to take office in May, but their starting date could be negotiated. She said Mr. Ellis has stated several times that he is an at will employee, and she thinks it is important that the Board discuss the issue openly.

Mr. Warren said he agrees that this issue needs to be addressed, but was concerned that a candidate would be located who would be willing to assume the position after May 7, 2000, which would be in violation of the law. He said a solid argument could be made that the law prohibits the Board from beginning a contract within that six-month window. He said it may be necessary to seek an opinion from the Attorney General regarding this matter to ensure that any agreement reached with a prospective candidate is a valid contract.

Mrs. Weiser cautioned that moving too quickly could result in hiring a candidate who may not appear as desirable by November or January. She said any candidate who accepts the position of Superintendent by May 7, 2000, would have to be very brave because of a potentially volatile environment resulting from the upcoming Board elections and Department reorganization. She said she would prefer that the Board assemble a job description.

Mr. Ellis said staff are in the process of putting together memorandums of understanding with the Department of Career Development and the Department of Treasury regarding the transfer of personnel and funding. He said when that is completed, the agreements should be effective until the end of the fiscal year. He said he announced his intention to retire so the Board would have ample opportunity to decide what action it preferred to take.

Mr. Ellis said the Board has not completed an extensive search for a superintendent for eight years when Dr. Robert Schiller was hired. He said a commitment was made to Dr. Schiller which the Board was not able to fulfill, and unless the Board is prepared to ask the opinion of the Attorney General on a series of questions, it may

happen again. He said this would not improve the appearance or reputation of the State Board of Education.

Mr. Ellis said Michigan colleges and universities were sued regarding the Open Meetings Act and the hiring of their respective presidents. He said the Court's decision was that the Constitutional Universities are exempt from that Act, and therefore, the Board should also request a clarification on this from the Attorney General to avoid any action which would jeopardize the search process.

Mrs. Wise agreed with Mr. Ellis regarding contacting the Attorney General on these issues, and said in her opinion it is critical that Mr. Ellis stay in the superintendency until the end of the election cycle and the transitional issues. She said the May 7, 2000, deadline is not reasonable for all that must be accomplished, and would create unnecessary stress on the Board.

Mrs. McGuire suggested that the Board begin the process and simultaneously request opinions from the Attorney General. She said it may be possible to find a way around the six-month restriction.

Mrs. Straus agreed with Mrs. McGuire in that the search should begin as soon as possible regardless of whether it is completed by the May 7, 2000 deadline. She said at the very least the Board should set a timetable to collect the data needed to determine the qualifications deemed necessary for the superintendency. She said she requested advice from the Attorney General last year regarding the Open Meetings Act, and was informed that the Board must comply. She said the process may require additional meetings to review applications and interviews, but first it is imperative to develop the qualifications and what type of person the Board would like to fill the position.

Mrs. Gire said it is imperative to begin the process in terms of identifying characteristics, but is concerned that new Board members will not agree and the entire procedure will have to be started again from the very beginning.

Mr. Warren said as the only Board member who has actually been employed with the Michigan Department of Education during a transition period, he believes that replacing Mr. Ellis in May will be very disruptive to staff. He said the Board must reach a consensus, otherwise there will be confusion in the Department which will affect productivity. He said staff is already going through a lot with the Executive Orders, and the upcoming election. He said rumors and innuendoes regarding the Superintendent search would be the worst possible situation for the Department and staff morale. He said the Board should agree today to start a search to replace Mr. Ellis when he retires, but possibly wait until everything falls into alignment to begin the process. He said the Board may be able to accomplish that by May 7, 2000, but the goal is to replace him after he retires in October.

Mrs. Weiser said there is a certain instability in the Department right now because of the reorganization which may affect the response received from a search for candidates. She said the salary for the position should also be addressed because many executives are making approximately \$150,000, and to expect someone to accept the current salary of \$108,000 while the Department is in upheaval is unrealistic. She suggested that the Board present a package of \$135,000 or \$140,000 to make the position competitive, but agree to raise that amount for the right candidate. She said that will send a message to any perspective candidates that the Board was serious in attracting a viable candidate who will work hard to pull the Board and the Department together and make the state the best place for children to learn.

Mrs. Wise suggested that the Board request Governor Engler's opinion regarding the Superintendent search.

Mrs. Beardmore said she understands that the Board would like to seek an Attorney General opinion regarding the six-month limitation, and whether the Board is subject to the same rules and regulations as college and university boards. She said the qualifications and characteristics the Board would like in a superintendent must also be decided in an open discussion format. She said that would entail many extra meetings in a short period of time at a crucial period in the operation of the Department. She said it is apparent to her that some of those actions may begin immediately such as seeking the Governor's input, who was very much involved when Dr. Schiller was hired.

In response to Mrs. Wise, Mr. Ellis said the law specifically allows the appointment of an Interim Superintendent.

Mr. Warren said he would be happy to work with the Superintendent in writing the specific questions in connection with the Open Meetings Act application. He said there was a constitutional decision by the Supreme Court which stated that the universities have a specific constitutional status which is why they are exempt. He said that opinion was based on a dissent written by Justice Dorothy Comstock Riley while he was employed as a clerk for her, and therefore, he is quite familiar with the constitutional issues related to the universities.

Mr. Warren said he thinks it is necessary to immediately begin considering the qualifications for the superintendency. He said it may be prudent to request input from NASBE regarding the characteristics that other boards looked for in their searches. He said he agrees with Mrs. Weiser in that the salary issue must be addressed.

Dr. Moyer said he agrees that the Board needs to start the process, and request clarification from the Attorney General regarding the Open Meetings Act, and other issues discussed earlier. He said he thinks the Board has some foundation though in terms of the survey of the local and intermediate superintendents conducted last year regarding desirable traits in a state superintendent. He said as someone who has been

involved on both ends of a superintendent search, he offers any assistance he may be able to provide.

Mrs. Gire said she would prefer to forgo the use of a “head hunter” to conduct a search, but the Board may wish to utilize a third party of some sort provided that funds are available to hire such a person or organization.

Mr. Ellis said Mrs. Hamilton has done some historical research regarding Dr. Schiller’s selection, and noted that a request to the Legislature for additional funds was denied.

Mrs. Beardmore said the Board has more flexibility with salary now than it had eight years ago.

Mrs. Straus distributed a copy of the criteria developed in 1991 prior to that superintendent search.

Mrs. Straus said the Board may wish to establish a sub-committee to begin establishing the criteria for the superintendent, and suggested that the qualifications should be determined at the January meeting.

No action was taken on this item.

XV. REPORT BY BOARD SUBCOMMITTEE ON SCHOOL SAFETY AND PREVENTION

Mrs. Gire said Mr. Warren and she attended the School Management Education Lobbyist group meeting last week to gather data, and were able to talk in-depth about the new expulsions legislation and some of the requested changes. She said she thinks it would be helpful to that group if the Board were in support of the legislation. She said the School Management Education Lobbyist group agreed to pull together some information regarding education models, and asked if Mr. Warren and she could assist them in the reporting process for the Office of Safe Schools.

Mrs. Gire said it was a very friendly and constructive meeting, and she has asked Mrs. Hamilton to conduct a search of the Department of Education reports to determine that nothing is left out, or is duplicated. She said Mr. Warren and she will also determine if NASBE or other nationwide organizations have appropriate sources which may serve as a background for what they are trying to accomplish, and speak with Mr. Don Weatherspoon, Director, Office of Safe Schools regarding his vision for that office and how it fits with their goals. She said eventually they hope to present the Board and Legislature with recommendations regarding school safety and violence prevention.

Mr. Warren said he thinks the meeting went very well, and many specific concerns

were discussed such as peer counseling, and peer mediation. He said Mr. Jim Ballard, Executive Director, Michigan Association Secondary School Principals, volunteered to work on collating information from the School Management Education Lobbyist group to present to the Board. He said he had the impression from the group that they saw the safety issue as a test case on whether the Board could address their own, and the public's concerns, be pro-active and move on an issue of real importance.

Mrs. Beardmore thanked Mrs. Gire, and Mr. Warren for taking action on that assignment, and she appreciates the progress report.

No action was taken on this item.

#### XVI. REPORT ON CONSENT AGENDA

Approvals:

- D. Approval of Proposal from Oakland University for a New Economics Program as a Minor at the Secondary Level
- E. Approval of Proposal from Olivet College for a New Music Education Program as a K-12 Group Major and as a K-12 Group Minor at the Elementary and Secondary Levels
- F. Approval of Proposal from Michigan State University to Convert its Graduate Elementary and Secondary Level Special Education Programs: Emotionally Impaired, Learning Disabilities, Hearing Impaired, and Visually Impaired into K-12 Program Endorsement
- G. Approval of the Plans for the State Partnership Agreement with the National Council for the Accreditation of Teacher Education - removed from agenda and placed in Board member's informational folders
- H. Approval of Changes for the Home Economics Endorsement - removed from agenda
- I. Approval of Standards for Preparation of Mathematics Teachers - removed from agenda
- J. Approval of Standards for Preparation of Journalism Teachers - removed from agenda
- K. Approval of Standards for Preparation of English Teachers - removed from agenda
- L. Approval of Standards for Preparation of Physical Education Teachers - removed from agenda



- M. Approval of Ave Maria Institute for Authority to Grant a Bachelor of Philosophy Degree

Resolutions:

- N. Adoption of Resolution Regarding School Board Recognition Month
- O. Adoption of Resolution Proclaiming Talent Development Week

**Mrs. Straus moved, seconded by Mr. Warren, that the State Board of Education approve the items listed on the revised consent agenda dated December 16, 1999, as follows:**

- D. approve the proposal for a new Economics program as a minor at the secondary level as submitted by Oakland University, as discussed in the Superintendent's memorandum dated December 1, 1999;**
- E. approve the proposal for a new Music Education program as a K-12 group major and as a group minor at the elementary and secondary levels as submitted by Olivet College, as discussed in the Superintendent's memorandum dated December 1, 1999;**
- F. approve the proposal to convert the graduate elementary and secondary level Special Education programs: Emotionally Impaired, Learning Disabilities, Hearing Impaired, and Visually Impaired, into K-12 program endorsements as submitted by Michigan State University, as discussed in the Superintendent's memorandum dated December 7, 1999;**
- G. (removed from agenda and placed in Board members' Informational Folders);**
- H. (this item was removed from agenda);**
- I. (this item was removed from agenda);**
- J. (this item was removed from agenda);**
- K. (this item was removed from agenda);**
- L. (this item was removed from agenda);**
- M. (1) authorize the completion of filing an amendment to articles of incorporation of Ave Maria Institute authorizing the corporation to include the authority to grant a Bachelor of Philosophy degree. Such authorization being in accordance with Act 327, P.A. of 1931, as**

amended as contained in the Superintendent's memorandum dated December 1, 1999; and (2) request that appropriate steps be taken to act on the suggestions made by Committee of Scholars members Beatrice H. Beech, and Thaddeuas C. Radzilowski; in letters dated November 17, and 19, 1999, respectively;

- N. adopt the resolution declaring January 2000 as Local School Board Member Recognition Month in Michigan, as attached to the Superintendent's memorandum dated December 1, 1999; and
- O. adopt the resolution attached to the Superintendent's memorandum dated December 1, 1999, proclaiming April 23-29, 2000, as Talent Development Week, and ask the Superintendent of Public Instruction to distribute the resolution and suggested activities concerning this week to the appropriate agencies, institutions and individuals.

The vote was taken on the motion.

**Ayes: Beardmore, Gire, McGuire, Moyer, Straus, Warren, Weiser, Wise**

**The motion carried.**

The resolutions are attached as Exhibits A and B respectively.

#### XVII. REPORT OF THE SUPERINTENDENT

Reports:

- P. Report on Personnel Status
- Q. Report on Administrative Rule Waivers
- R. Report on Cosponsorships

Grant Awards:

- S. 1999-2000 Goals 2000 Cycle 9/Category Two
- T. 1999 Team Nutrition Demonstration Grant
- U. 1999-2000 Tech Prep Education Consortia Grants

#### XVIII. AWARDS AND RECOGNITIONS

There were no awards and/or recognitions presented at the meeting.

#### XIX. COMMENTS BY STATE BOARD OF EDUCATION MEMBERS

- A. Travel Expenses - Mr. Michael David Warren, Jr.

Mr. Warren said he recently received a memorandum from Mrs. Eileen Hamilton, Administrative Secretary to the State Board of Education, regarding State Board of Education travel expenses. He said he did not know how serious the issue was, but wished to receive some further information.

Mrs. Beardmore directed the Board's attention to the policy adopted in 1993. She said reimbursement of State Board of Education meeting travel and expenses receive first priority, and expenses incurred relating to the National Association of State Boards of Education and state and national commitments are second. She said any additional Board travel for activities that are not specifically related to the role as a State Board member are reimbursed last.

XX. TENTATIVE AGENDA FOR NEXT MEETING

Board members were asked to submit agenda items for the January meeting to the Administrative Secretary. Mr. Ellis said Department staff, the Board President, and Vice President would be meeting within the next couple of weeks to develop and finalize the agenda.

XXI. FUTURE MEETING DATES

- A. January 13, 2000 (Macomb County Intermediate School District)
- B. February 17, 2000
- C. March 16, 2000
- D. April 13, 2000
- E. May 18, 2000

XXII. ADJOURNMENT

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Herbert S. Moyer  
Secretary